

STATE OF SOUTH CAROLINA

(Caption of Case)

**Application of Timothy P. Oliver for
Approval of the Consolidation of Utility
Systems, an Umbrella Bond and Conforming
Rates for Customers in Wyboo Pointe and
Haynesworth Mill.**

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

COVER SHEET

DOCKET

NUMBER: 2007 - 234 - WS

(Please type or print)

Submitted by: Richard L. Whitt

SC Bar Number: 62895

**Address: 508 Hampton Street, Suite 300
Columbia, South Carolina
29201**

Telephone: 803-251-7442

Fax: 803-252-3679

Other: 803-251-6000

Email: rlwhitt@alrlaw.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

- ☐ Emergency Relief demanded in petition ☒ Request for item to be placed on Commission's Agenda expeditiously
- ☐ Other: **RESPECTFULLY REQUEST THAT THIS ITEM BE PLACE ON SUPPLEMENTAL AGENDA**

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input checked="" type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input checked="" type="checkbox"/> Other: Settlement
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	Agreement
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2007-234-W/S

August 24, 2007

IN RE:)	
Application of Timothy P. Oliver for)	SETTLEMENT
Approval of the Consolidation of Utility)	AGREEMENT
Systems, an Umbrella Bond and Conforming)	
Rates for Customers in Wyboo Pointe and)	
Haynesworth Mill.		

This Settlement Agreement is made by and between the South Carolina Office of Regulatory Staff ("ORS"), and Timothy J. Oliver ("Oliver" or the "Company") (collectively referred to as the "Parties" or sometimes individually as a "Party").

WHEREAS, this matter is pending before the Public Service Commission of South Carolina ("Commission"), and denominated as shown hereinabove;

WHEREAS, the Parties have engaged in discussions to determine if a settlement of the issues would be in their best interests;

WHEREAS, following those discussions the Parties have each determined that their interests and the public interest would be best served by settling all issues pending in the above-captioned case under the terms and conditions set forth below:

- 1) The Company agrees that if it should request an increase in rates (in any forthcoming rate case) exceeding 100% for any of its current customers that the Company will work with the ORS to establish a phase-in of any such rates over a period of years to lessen the immediate economic impact on the systems customers.

- 2) The Company agrees to perform a cost/benefit analysis concerning the installation of meters for all of its customers prior to the filing of a rate case and to provide a copy of such report to the ORS prior to or at the time of the filing of any request for new rates and charges.

3) The Company agrees to provide written notice to all of its customers of its intent to file a rate case with the Public Service Commission at least sixty ("60") days prior to the filing of an action.

(The Parties believe that it would benefit the Company, the systems customer's, and ORS to provide the current customers of the system(s) with significant advance notice of its intent to seek an increase in rates and charges. ORS would be willing to participate in any neighborhood or homeowners association meetings conducted during this advance notice period.)

4) The Company is providing an acceptable Performance Bond for both Water and Sewer Systems, by way of a qualifying personal financial statement.

5) The Parties agree to cooperate in good faith with one another in recommending to the Commission that this Settlement Agreement be accepted and approved by the Commission as a fair, reasonable and full resolution of all issues currently pending in the above-captioned proceeding. The Parties agree to use reasonable efforts to defend and support any Commission Order issued approving this Settlement Agreement and conditions contained herein.

6) This written Settlement Agreement contains the complete agreement of the Parties. The Parties agree that by signing this Settlement Agreement, it will not constrain, inhibit or impair their arguments or positions held in future proceedings. If the Commission declines to approve the agreement in its entirety, then any Party desiring to so may withdraw from the agreement without penalty, within three "3", days of receiving notice of the decision, by providing written notice of withdrawal via electronic mail to all parties in that time period.

7) This agreement shall be effective upon execution of the Parties and shall be interpreted according to South Carolina Law.

8) This Settlement Agreement shall bind and inure to the benefit of each of the signatories hereto and their representatives, predecessors, successors, assigns, agents, shareholders, officers, directors (in their individual and representative capacities), subsidiaries, affiliates, parent corporations, if any, joint ventures, heirs, executors, administrators, trustees and attorneys.

9) The above terms and conditions fully represent the agreement of the Parties hereto. Therefore, each Party acknowledges its consent and agreement to this Settlement Agreement by authorizing its counsel to affix his or her signature to this document where indicated below. Counsel's signature represents his or her representation that his or her client has authorized the execution of the agreement. Facsimile signatures and e-mail signatures and e-mail signatures shall be as effective as original signatures to bind any party. This document may be signed in counterparts, with the various signature pages combined with the body of the document constituting an original and provable copy of this Settlement Agreement.

(Signature Pages Follow)

Representing and binding the Office of Regulatory Staff:



Jeffery M. Nelson, Esquire
South Carolina Office of Regulatory Staff
1441 Main Street, Suite 300 Columbia, S.C. 29201
Phone: (803) 737-0803

Representing and binding Timothy J. Oliver:

A handwritten signature in black ink, appearing to read "R L Whitt". The signature is written in a cursive, somewhat stylized font. The first part "R L" is written with a large, looped 'R' and a smaller 'L'. The last name "Whitt" is written with a large 'W' and a trailing 't'.

Richard L. Whitt,
Austin, Lewis & Rogers, P.A.
508 Hampton Street, Suite 300
Columbia, S.C. 29201
Phone: 803-251-7442